

4:18-cr-11 - 6/14/18

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

versus

Criminal No.: 4:18-cr-11  
Roanoke, Virginia  
June 14, 2018  
1:44 p.m.

DESHAUN LAMAR TRENT,  
SHABBA LARUN CHANDLER,  
ASHLEY TIANA ROSS,  
TENIKQUA FULLER,

Defendants.

TRANSCRIPT OF INITIAL APPEARANCES AND ARRAIGNMENTS  
AS HEARD BEFORE THE HONORABLE JOEL C. HOPPE  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:

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Court Reporter: JoRita B. Meyer, RPR, RMR, CRR, OCR

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY;  
TRANSCRIPT PRODUCED BY COMPUTER.

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1 APPEARANCES CONTINUED:

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7 For the Defendant CHANDLER:

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13 For the Defendant ROSS:

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15 Terry N. Grimes, Esq., PC  
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20 For the Defendant FULLER:

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26 ///

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1 (Proceedings commenced, 1:44 p.m.)

2 THE COURT: Good afternoon. Would the clerk please  
3 call the case.

4 THE CLERK: *United States of America versus Kanas*  
5 *Lamont'e Trent, United States of America versus Deshaun Lamar*  
6 *Trent, United States of America versus Shabba Larun Chandler,*  
7 *United States of America versus Ashley Tiana Ross, United*  
8 *States of America versus Tenikqua Fuller, Case Number*  
9 *4:18-CR-11.*

10 THE COURT: Well, we are here today for your initial  
11 appearance on an indictment that charges -- yes, ma'am?

12 MS. CARLTON: I'm sorry to interrupt you, Your  
13 Honor. We only have four defendants, and five names were  
14 listed just now.

15 THE COURT: Mr. Hemingway?

16 MR. HEMINGWAY: Yes, good afternoon, Judge. I  
17 represent Kanas Trent. I was told he's not here today.

18 MS. CARLTON: He is in custody. I believe he might  
19 still be in transport.

20 THE COURT: Okay. Well, we'll just -- we'll take up  
21 his initial appearance separately, then.

22 MR. HEMINGWAY: Yes, sir.

23 THE COURT: Okay. Thank you.

24 All right. As I was saying, we're here today for  
25 your initial appearance on an indictment that charges you

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1 with a number of federal offenses.

2 Now, the purpose of today's hearing is for me to  
3 advise you about the nature of the charges against you and  
4 also advise you of some rights, including the right to  
5 counsel. And we'll determine how you're going to be  
6 represented by an attorney today.

7 Now, we'll also conduct an arraignment, which means  
8 that I'm going to take your plea to the charges against you,  
9 and then we'll also discuss whether you're going to be  
10 released or detained pending further proceedings in the case.

11 Now, I will need to ask you some questions, and your  
12 answers have to be under oath. So would you all please stand  
13 and raise your right hands.

14 (Defendants sworn)

15 THE COURT: All right. You may be seated.

16 And these proceedings are being recorded, and the  
17 court reporter needs to be able to hear your answer, so I'd  
18 ask that you all just speak up when it's your turn to answer.  
19 Okay? All right. Let me start with Deshaun Trent.

20 MR. KOWOLCZUK: Yes, sir.

21 THE COURT: Mr. Kowalczyk.

22 Mr. Trent, a few questions for you. Can you read,  
23 write, and understand English?

24 DEFENDANT DESHAUN TRENT: Yes, sir.

25 THE COURT: And what is your full name?

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1 DEFENDANT DESHAUN TRENT: Deshaun Lamar Trent.

2 THE COURT: All right. Now, Mr. Trent, you may be  
3 seated. And you all can just remain seated while I'm asking  
4 you questions.

5 Now, how about for -- let's see, Mr. Chandler, all  
6 right. Mr. Chandler, same questions for you. Can you read,  
7 write, and understand English?

8 DEFENDANT CHANDLER: Yes, sir.

9 THE COURT: What is your full name?

10 DEFENDANT CHANDLER: Shabba Larun Chandler.

11 THE COURT: All right. And then Ms. Ross?

12 DEFENDANT ROSS: Yes.

13 THE COURT: Ms. Ross, can you read, write, and  
14 understand English?

15 DEFENDANT ROSS: Yes.

16 THE COURT: And what is your full name?

17 DEFENDANT ROSS: Ashley Tiana Ross.

18 THE COURT: And then, Ms. Fuller, can you read,  
19 write, and understand English?

20 DEFENDANT FULLER: Yes.

21 THE COURT: And what is your full name?

22 DEFENDANT FULLER: Tenikqua Deshay (phonetic)  
23 Fuller.

24 (Judge and clerk conferring)

25 THE COURT: All right. Let me advise you all about

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1 your right to counsel. You do have the right to be  
2 represented by an attorney in this case. You can consult  
3 with your attorney at every stage of this case, both in and  
4 out of court.

5 Now, you have the right to retain or hire an  
6 attorney of your choosing. If you can't afford to hire an  
7 attorney, then I will appoint an attorney to represent you,  
8 and that will be at no cost to you.

9 Now, Mr. Trent, do you understand your right to  
10 counsel?

11 DEFENDANT DESHAUN TRENT: Yes, sir.

12 THE COURT: All right. And are you asking me to  
13 appoint an attorney for you?

14 DEFENDANT DESHAUN TRENT: I'll take an appointed.

15 THE COURT: All right. And has he completed a  
16 financial affidavit?

17 MR. KOWOLCZUK: I have no idea, Your Honor. I  
18 didn't realize we were supposed to.

19 THE COURT: Okay. Do we have affidavits?

20 (Judge and clerk conferring)

21 MR. KOWOLCZUK: It appears from the pretrial  
22 services report regarding his finances that he has no assets  
23 and no liabilities.

24 THE COURT: Is there a financial affidavit that he  
25 signed? This is Deshaun Trent.

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1 PROBATION OFFICER TERRY: We're searching the  
2 profile.

3 THE COURT: Do you think -- has he completed and  
4 signed one or not?

5 PROBATION OFFICER TERRY: I would imagine.

6 PROBATION OFFICER CILEK: He has.

7 THE COURT: Let's see.

8 (Judge and clerk conferring)

9 THE COURT: I can read it from there, if you can  
10 pull it up.

11 PROBATION OFFICER TERRY: I can't pull it up.

12 MS. CELIK: We have copies of some of them that we  
13 can e-mail. Do you want copies?

14 THE COURT: Sure. Anything that -- anything that  
15 you have for these folks would be helpful. If you want to  
16 e-mail them to me, I can pull them up on my iPad.

17 (Pause in proceedings)

18 THE COURT: Okay. Great. Okay. All right,  
19 Mr. Trent, I do have a financial affidavit here with your  
20 name on it. Can you see from back there what this says? Do  
21 you want me to hand it down so you can review it?

22 MR. KOWOLCZUK: Thank you.

23 He's reviewed it.

24 THE COURT: All right. Mr. Trent, is the  
25 information in that affidavit correct?

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1 DEFENDANT DESHAUN TRENT: Yes, sir.

2 THE COURT: Do you understand that if you make a  
3 false statement in that affidavit that you could be  
4 prosecuted for perjury or for making a false statement?

5 DEFENDANT DESHAUN TRENT: Yes, sir.

6 THE COURT: All right. Mr. Trent, based on the  
7 information in the financial affidavit, I do find that you  
8 qualify for court-appointed counsel, and I will appoint Mr.  
9 Kowalczyk to represent you in this case.

10 Now, Mr. Chandler, do you understand your right to  
11 counsel?

12 DEFENDANT CHANDLER: Yes.

13 THE COURT: All right. And are you asking that I  
14 appoint an attorney for you in this case?

15 DEFENDANT CHANDLER: Yes.

16 THE COURT: And, Mr. Chandler, did you complete a  
17 financial affidavit?

18 DEFENDANT CHANDLER: I didn't understand you.

19 THE COURT: Did you complete a financial affidavit?

20 DEFENDANT CHANDLER: (Nods head)

21 THE COURT: Mr. Chandler, I'm going to hand down  
22 what appears to be your financial affidavit. Would you  
23 please take a look at it?

24 (Counsel and Defendant Chandler conferring)

25 MR. DORSEY: He's reviewed it, Your Honor.



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1 THE COURT: Mr. Chandler, is the information in that  
2 affidavit correct?

3 DEFENDANT CHANDLER: Yes, sir.

4 THE COURT: And do you understand that if you make a  
5 false statement in the affidavit you could be prosecuted for  
6 perjury or for making a false statement?

7 DEFENDANT CHANDLER: Yes, sir.

8 THE COURT: Mr. Chandler, based on the information  
9 in the affidavit, I also find that you qualify for  
10 court-appointed counsel, and I will appoint Mr. Dorsey to  
11 represent you in the case.

12 DEFENDANT CHANDLER: All right.

13 THE COURT: All right. Now, Ms. Ross, did you  
14 complete a financial affidavit?

15 DEFENDANT ROSS: Yes.

16 THE COURT: Do you have that? Do you have  
17 Ms. Fuller's as well?

18 MS. CILEK: Yes.

19 THE COURT: All right. Ms. Ross and Ms. Fuller, if  
20 you both would review your financial affidavits.

21 (Pause)

22 THE COURT: Ms. Ross, is the information in the  
23 affidavit correct?

24 DEFENDANT ROSS: Yes, sir.

25 THE COURT: And do you understand that if you make a

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1 false statement in the affidavit that you could be prosecuted  
2 for perjury or for making a false statement.

3 DEFENDANT ROSS: Yes.

4 THE COURT: And, Ms. Ross, I take it that you are  
5 asking for court-appointed counsel in the case?

6 DEFENDANT ROSS: Yes.

7 THE COURT: All right. I find that you do qualify  
8 for court-appointed counsel and I'll appoint Mr. Grimes to  
9 represent you in the case.

10 Now, Ms. Fuller, did you complete this financial  
11 affidavit?

12 DEFENDANT FULLER: Yes.

13 THE COURT: And is the information in the affidavit  
14 correct?

15 DEFENDANT FULLER: Yes.

16 THE COURT: Do you understand that if you make a  
17 false statement in the affidavit that you could be prosecuted  
18 for perjury or for making a false statement?

19 DEFENDANT FULLER: Yes.

20 THE COURT: And are you asking that I appoint  
21 counsel for you?

22 DEFENDANT FULLER: Yes.

23 THE COURT: Ms. Fuller, I find that you qualify for  
24 court-appointed counsel, and I'll appoint Mr. Diviney to  
25 represent you in the case.

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1           Mr. Trent and Mr. Chandler, as you're going to hear  
2 a little later on in the hearing, some of the charges that  
3 you're facing are punishable by a maximum sentence of death,  
4 which entitles you to be represented by two attorneys, if you  
5 make that request. So I will just that your attorneys, if  
6 you so choose, to file a written motion asking for that  
7 appointment.

8           MR. KOWOLCZUK: Thank you, Your Honor.

9           THE COURT: All right. Now, you all have the right  
10 to remain silent, and this is a constitutional right, which  
11 means that you don't have to make any statements about your  
12 case. If you've already made any statements to law  
13 enforcement, you don't have to make any more.

14           If at some point you want to agree to questioning by  
15 law enforcement, you can have your attorney present during  
16 that questioning, you can consult with your attorney, and you  
17 can stop that questioning at any time.

18           You should talk to your lawyer about your case, but  
19 if you talk to anyone else about your case, you need to  
20 understand that those statements could be used against you to  
21 prosecute you.

22           Now, Mr. Trent, do you understand your right to  
23 remain silent?

24           DEFENDANT DESHAUN TRENT: Yes, sir.

25           THE COURT: And, Mr. Chandler, do you understand

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1 your right?

2 DEFENDANT CHANDLER: Yes, sir.

3 THE COURT: And, Ms. Fuller, do you understand your  
4 right?

5 DEFENDANT FULLER: Yes.

6 THE COURT: And, Ms. Ross, do you understand your  
7 right to remain silent?

8 DEFENDANT ROSS: Yes.

9 THE COURT: You all also have the right to consular  
10 notification. Now, this may not have any application to you,  
11 but what this right is, is for a defendant who is not a  
12 United States citizen, he or she can ask the United States  
13 Attorney to notify the consulate of his or her nationality of  
14 the arrest.

15 Now, Mr. Trent, do you understand your right to  
16 consular notification?

17 DEFENDANT DESHAUN TRENT: Yes, sir.

18 THE COURT: Mr. Chandler?

19 DEFENDANT CHANDLER: Yes.

20 THE COURT: Ms. Fuller?

21 DEFENDANT FULLER: Yes.

22 THE COURT: Ms. Ross?

23 DEFENDANT ROSS: Yes.

24 THE COURT: Do you-all all have a copy of the  
25 indictment?

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1 DEFENDANT DESHAUN TRENT: Yes, sir.

2 THE COURT: Mr. Chandler?

3 DEFENDANT CHANDLER: Yes.

4 THE COURT: Ms. Fuller?

5 DEFENDANT FULLER: Yes.

6 THE COURT: Ms. Ross?

7 DEFENDANT ROSS: Yes.

8 THE COURT: Okay. I'm going to go over the charges  
9 against you just in a summary way, and I'm going to ask you  
10 if you understand what you're charged with. I'm not asking  
11 whether you agree or disagree with anything that the  
12 indictment says. Okay?

13 First, Mr. Trent and Mr. Chandler, you all are  
14 charged in Counts One through Seven of the indictment. Now,  
15 Count One is fairly lengthy and it provides a description of  
16 a -- of the ROLLIN 60s Crips gang in the introduction. What  
17 it says is that the ROLLIN 60s Crips is a criminal gang made  
18 up of all of the defendants who are identified in this  
19 indictment, and other people, who associated together as an  
20 enterprise.

21 Now, the common purpose of the ROLLIN 60s Crips  
22 enterprise was to promote and enhance its reputation and  
23 enrich its members through acts of violence, including  
24 murder, assault and robbery, distributing controlled  
25 substances, assisting members of the enterprise who committed

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1 crimes on its behalf, and thwarting law enforcement's  
2 investigation of the enterprise.

3 The indictment alleges that the ROLLIN 60s Crips  
4 operates under a loose leadership structure, according to a  
5 set of rules. And the indictment identifies what the  
6 government says was your role in this enterprise.

7 Mr. Trent and Mr. Chandler both, it identifies you  
8 as members of the ROLLIN 60s Crips.

9 It goes on to further allege -- as a racketeering  
10 conspiracy involving the ROLLIN 60s Crips, it alleges that  
11 all of the defendants who are identified in Count One  
12 conspired, or essentially agreed, amongst themselves and with  
13 others to engage in the activities of the enterprise of the  
14 ROLLIN 60s Crips, and that that enterprise affected  
15 interstate commerce through a pattern of racketeering  
16 activity that included murder, tampering with a witness,  
17 victim, or informant, obstruction of justice, and dealing  
18 drugs.

19 The indictment further alleges that as part of the  
20 conspiracy, that each of the defendants named agreed that a  
21 conspirator would commit at least two acts of racketeering in  
22 conducting the affairs of the enterprise.

23 It's alleged that this racketeering enterprise  
24 continued from sometime in mid 2015 through June of 2018, and  
25 it alleges a number of overt acts taken in furtherance of the

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1 conspiracy. The first act was that on August 20 of 2016,  
2 that each of the defendants who are named in this count --  
3 and Mr. Trent and Mr. Chandler, you-all both are named in  
4 this count -- that you-all did murder Christopher Motley and  
5 that you shot at and attempted to murder Justion Wilson.

6 It also alleges that from 2016 to 2018 that you,  
7 both of you, along with others, trafficked in controlled  
8 substances. And there is a special sentencing factor which  
9 again alleges the murder of Christopher Motley.

10 Now, the indictment goes on to charge both of  
11 you-all in Counts Two through Seven as well, and these counts  
12 refer to the specific acts that were undertaken by you two,  
13 as well as the other defendants named in the indictment; that  
14 these acts were essentially the common purpose for achieving  
15 the objectives of the ROLLIN Crips enterprise.

16 Now, Count Two -- Counts Two and Three concern the  
17 murder of Christopher Motley. Count Two alleges that --  
18 alleges that that murder was part of the violent crime that  
19 is in aid of racketeering. And then Count Three charges  
20 using a firearm in relation to that violent crime of the  
21 murder of Mr. Motley.

22 Then Counts Four through Seven concern the attempted  
23 murder of Justion Wilson.

24 Counts Four and Six allege attempted murder and  
25 assault with a deadly weapon of Justion Wilson, and that

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1 those acts were taken in aid of the racketeering activity of  
2 the ROLLIN Crips.

3 And then Counts Five and Seven correspond to Counts  
4 Four and Six, and they allege the use of a firearm, the use  
5 and carrying and brandishing and discharging of a firearm, in  
6 relation to a violent crime in aid of racketeering, which was  
7 the attempted murder, and then also the assault with a deadly  
8 weapon.

9 Now, Mr. Trent, do you understand what the  
10 indictment says you did or what it alleges?

11 DEFENDANT DESHAUN TRENT: Yes, sir.

12 THE COURT: And, Mr. Chandler, do you understand  
13 what the indictment alleges?

14 DEFENDANT CHANDLER: Yes, sir.

15 THE COURT: All right. Now, Ms. Ross and  
16 Ms. Fuller, you're both charged in Count Eight of the  
17 indictment. And Count Eight charges you both with being  
18 accessory after the fact to the murder and attempted murder  
19 and assault with a dangerous weapon that were charged in  
20 those, the counts that I just went over with Mr. Trent and  
21 Mr. Chandler. And essentially it alleges that you provided  
22 assistance or support to members of the ROLLIN 60s gang, to  
23 one or more members, to help hinder and prevent their  
24 apprehension, trial, and punishment. And the dates alleged  
25 are the date of and the day after the murder; so August 20th



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1 and 21st of 2016.

2 Now, Ms. Ross, you are also charged in a number of  
3 other counts. You're charged in Counts Nine, Ten, and then  
4 13, 14, 15, 16, 17, 18, 19, 20, and 21. Now, these counts --  
5 in Counts Nine and Ten -- in Count Nine you're charged with  
6 tampering with certain proceedings, and the proceedings  
7 alleged are the Federal Grand Jury proceeding.

8 It alleges that on May 7 of 2018, that you and  
9 Ms. Coleman obstructed or influenced or impeded or attempted  
10 to impede the Grand Jury investigation into this matter by  
11 providing false testimony to the Grand Jury.

12 Count Ten charges obstruction of justice on May 7  
13 for you corruptly obstructing and impeding and attempting to  
14 influence the Grand Jury proceeding in this matter, again by  
15 providing false testimony under oath to the Grand Jury.

16 Now, in Counts 13 through 21 you're charged with  
17 specific statements of false testimony to the Grand Jury.  
18 All those occurred on May 7th of 2018 as well.

19 Now, Ms. Fuller, do you understand what the  
20 indictment alleges or what it says you did?

21 DEFENDANT FULLER: Yes.

22 THE COURT: An, Ms. Ross, do you understand what the  
23 indictment alleges?

24 DEFENDANT ROSS: (Nods head)

25 THE COURT: All right. Ms. Carlton or Mr. Huber,

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1 would you please state any minimum and maximum penalties for  
2 these charges?

3 MS. CARLTON: Yes, Your Honor.

4 For Count One, Mr. Trent and Mr. Chandler, if  
5 convicted, they face up to life in prison because the  
6 indictment includes special notice of that enhancement.

7 If convicted of Count Two, Mr. Trent and  
8 Mr. Chandler face the ultimate penalty of death. The  
9 mandatory minimum is life in prison.

10 If convicted of Count Three, Mr. Trent and  
11 Mr. Chandler face ten years mandatory minimum, up to life in  
12 prison.

13 For Count Four, if Mr. Chandler and Mr. Trent are  
14 convicted, they face up to ten years in prison.

15 For Count Five, if Mr. Trent and Mr. Chandler are  
16 convicted, they face, if convicted of Count Three, 25 years  
17 mandatory minimum, up to life in prison.

18 For Count Six, if convicted, Mr. Trent and  
19 Mr. Chandler face up to 20 years imprisonment.

20 THE COURT: Is Count Three also a capital charge,  
21 potentially a capital charge?

22 MS. CARLTON: No, Your Honor.

23 THE COURT: Okay.

24 MS. CARLTON: For Count Seven, if convicted,  
25 Mr. Chandler and Mr. Trent face 25 years mandatory minimum,

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1 up to life in prison. All of these also come with a fine of  
2 up to \$250,000.

3 For Count Eight for Ms. Fuller and Ms. Ross, if  
4 convicted, they face up to 15 years of life in prison --  
5 sorry, 15 years in prison.

6 If Ms. Ross is convicted of Count Nine, she faces up  
7 to 20 years in prison. If Ms. Ross is convicted of Count  
8 Ten, she faces up to ten years in prison. All of those come  
9 with also a fine of \$250,000.

10 If convicted of Count 13, 14, 15, 16, 17, 18, 19,  
11 20, and 21, Ms. Ross, for each of those counts, would face up  
12 to five years in prison, as well as a fine of \$250,000.

13 THE COURT: All right. Count Three charges 18  
14 U.S.C. 924(J), right? And it's --

15 MS. CARLTON: I apologize. It is death penalty as  
16 well. Yes, Your Honor. I apologize.

17 THE COURT: All right. So for Mr. Trent and  
18 Mr. Coleman [sic], Count Three also charges a crime that is  
19 punishable by death, or imprisonment for any term of years,  
20 or for life.

21 Now, Mr. Trent, do you understand the maximum  
22 penalties -- well, all of the penalties that you face if  
23 you're convicted of these charges?

24 DEFENDANT DESHAUN TRENT: Yes, sir.

25 THE COURT: And, Mr. Chandler, do you understand the

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1 penalties that you face if you're convicted of these charges?

2 DEFENDANT CHANDLER: Yes, sir.

3 THE COURT: Ms. Fuller?

4 DEFENDANT FULLER: Yes.

5 THE COURT: And Ms. Ross?

6 DEFENDANT ROSS: (Nods head)

7 THE COURT: All right. Mr. Kowalczyk, is Mr. Trent  
8 prepared to be arraigned?

9 MR. KOWOLCZUK: He is, Your Honor.

10 Prior to that, Your Honor, my client informed me  
11 that the correct spelling of his first name is D-E-S-H-A-U-N.  
12 So I would ask that that be corrected to reflect the proper  
13 spelling.

14 THE COURT: All right. Ms. Carlton, do you move for  
15 that amendment?

16 MS. CARLTON: So moved.

17 THE COURT: All right. That will be granted.

18 MR. KOWOLCZUK: Yes, Your Honor, he is ready to be  
19 arraigned.

20 THE COURT: Okay. All right. Mr. Trent, how old  
21 are you?

22 DEFENDANT DESHAUN TRENT: 24.

23 THE COURT: And how far did you go in school?

24 DEFENDANT DESHAUN TRENT: I got a high school  
25 diploma.

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1 THE COURT: What sort of jobs or employment have you  
2 had?

3 DEFENDANT DESHAUN TRENT: Fast food restaurants, as  
4 far as Hardee's and Kentucky Fried Chicken. I was a cook at  
5 Hardee's on Riverside, and then I was a cook for Kentucky  
6 Fried Chicken on Memorial Drive.

7 THE COURT: Now, are you currently or have you  
8 recently been under the care of a doctor, psychologist, or  
9 psychiatrist for any mental health condition?

10 DEFENDANT DESHAUN TRENT: No, sir.

11 THE COURT: Have you taken any drugs, medicine, or  
12 pills in the last 24 hours?

13 DEFENDANT DESHAUN TRENT: No, sir.

14 THE COURT: Are you presently under the influence of  
15 alcohol?

16 DEFENDANT DESHAUN TRENT: No, sir.

17 THE COURT: All right. And, Mr. Trent, have you had  
18 enough time to talk to Mr. Kowalczyk about the charges  
19 against you so that you can enter a plea today?

20 DEFENDANT DESHAUN TRENT: Yes, sir.

21 THE COURT: All right. And, Mr. Kowalczyk, does he  
22 waive a formal reading of the indictment?

23 MR. KOWOLCZUK: Yes, sir, he does. I reviewed it  
24 with him.

25 THE COURT: All right. Well, then, Mr. Trent, as to

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1 Counts One through Seven of the indictment, how do you plead;  
2 guilty or not guilty?

3 DEFENDANT DESHAUN TRENT: Not guilty.

4 THE COURT: All right. I'll note a not guilty plea  
5 for the record.

6 You all may be seated.

7 MR. KOWOLCZUK: Thank you, Your Honor.

8 THE COURT: All right. And is Mr. Chandler ready to  
9 be arraigned?

10 MR. DORSEY: He's ready, Your Honor.

11 THE COURT: Mr. Chandler, how old are you?

12 DEFENDANT CHANDLER: 24. Oh.

13 MR. DORSEY: Don't get that close.

14 DEFENDANT CHANDLER: My bad.

15 THE COURT: I appreciate the effort. Thank you.

16 Mr. Chandler, how far did you go in school?

17 DEFENDANT CHANDLER: GED.

18 THE COURT: All right. And what sort of jobs or  
19 employment have you had?

20 DEFENDANT CHANDLER: Welding jobs.

21 THE COURT: I'm sorry?

22 DEFENDANT CHANDLER: Welding jobs. DeMarco's  
23 (phonetic) and SynTec.

24 THE COURT: Okay. Now, are you currently or have  
25 you recently been under the care of a doctor, psychologist,

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1 or psychiatrist for any mental health condition?

2 DEFENDANT CHANDLER: No, sir.

3 THE COURT: Have you taken any drugs, medicine, or  
4 pills in the last 24 hours?

5 DEFENDANT CHANDLER: Yeah.

6 THE COURT: And you can talk to your attorney about  
7 that.

8 (Defendant Chandler conferring with counsel)

9 MR. DORSEY: Say yes.

10 DEFENDANT CHANDLER: Yeah. Yes, sir.

11 THE COURT: All right. Let me just ask you this.  
12 Are you currently feeling any effects from any medicine or  
13 pills or drugs that you may have taken?

14 DEFENDANT CHANDLER: No, sir.

15 THE COURT: All right. Do you feel like you  
16 understand what I'm saying to you today?

17 DEFENDANT CHANDLER: Yes.

18 THE COURT: And everything that's going on here  
19 today?

20 DEFENDANT CHANDLER: Uh-huh. Yes, sir.

21 THE COURT: All right. Are you presently under the  
22 influence of alcohol?

23 DEFENDANT CHANDLER: No, sir.

24 THE COURT: All right. And, Mr. Chandler, is your  
25 name spelled properly on the indictment?

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1 DEFENDANT CHANDLER: Yes, sir.

2 THE COURT: And does he waive a formal reading of  
3 the indictment?

4 MR. DORSEY: He so waives, Your Honor.

5 THE COURT: Mr. Chandler, do you think you've had  
6 enough time to talk to your attorney about the charges  
7 against you so that you can enter a plea today?

8 DEFENDANT CHANDLER: Yes, sir.

9 THE COURT: Then as to Counts One through Seven of  
10 the indictment, how do you plead; guilty or not guilty?

11 DEFENDANT CHANDLER: Not guilty.

12 THE COURT: I'll note a not guilty plea for the  
13 record for Mr. Chandler. Thank you.

14 DEFENDANT CHANDLER: Thank you.

15 THE COURT: All right. And, Ms. Fuller, is she  
16 prepared to be arraigned?

17 MR. DIVINEY: She is, Your Honor.

18 THE COURT: Ms. Fuller, how old are you?

19 DEFENDANT FULLER: 20.

20 THE COURT: What sort of jobs or employment have you  
21 had?

22 DEFENDANT FULLER: Manufacturing.

23 THE COURT: All right. Are you currently or have  
24 you recently been under the care of a doctor, psychologist,  
25 or psychiatrist for any mental health condition?



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1 DEFENDANT FULLER: No.

2 THE COURT: Have you taken any drugs, medicine, or  
3 pills in the last 24 hours?

4 DEFENDANT FULLER: No.

5 THE COURT: Are you presently under the influence of  
6 alcohol?

7 DEFENDANT FULLER: No.

8 THE COURT: And, Ms. Fuller, is your name spelled  
9 properly on the indictment?

10 DEFENDANT FULLER: Yes.

11 THE COURT: Okay. And have you had enough time to  
12 talk to your attorney about the charge against so that you  
13 can enter a plea?

14 DEFENDANT FULLER: Yes.

15 THE COURT: And does she waive a formal reading of  
16 the indictment?

17 MR. DIVINEY: She does, Your Honor.

18 THE COURT: Ms. Fuller, as to Count Eight of the  
19 indictment, how do you plead; guilty or not guilty?

20 DEFENDANT FULLER: Not guilty.

21 THE COURT: I'll enter a not guilty plea for the  
22 record for Ms. Fuller. Thank you.

23 And is Ms. Ross prepared to be arraigned?

24 MR. GRIMES: She is, Your Honor.

25 THE COURT: Okay. Ms. Ross, how old are you?

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1 DEFENDANT ROSS: 22.

2 THE COURT: And how far did you go in school?

3 DEFENDANT ROSS: Graduated.

4 THE COURT: High school?

5 DEFENDANT ROSS: From high school, yes.

6 THE COURT: What sort of jobs or employment have you  
7 had?

8 DEFENDANT ROSS: Nursing.

9 THE COURT: Ms. Ross, are you currently or have you  
10 recently been under the care of a doctor, psychologist, or a  
11 psychiatrist for any mental health condition?

12 DEFENDANT ROSS: No.

13 THE COURT: Have you taken any drugs, medicine, or  
14 pills in the last 24 hours?

15 DEFENDANT ROSS: No.

16 THE COURT: Are you presently under the influence of  
17 alcohol?

18 DEFENDANT ROSS: No.

19 THE COURT: And, Ms. Ross, is your name spelled  
20 properly on the indictment?

21 DEFENDANT ROSS: Yes.

22 THE COURT: Have you had enough time to talk to your  
23 attorney so that you can enter a plea today?

24 DEFENDANT ROSS: Yes.

25 THE COURT: Does she waive a formal reading of the

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1 indictment?

2 MR. GRIMES: She does, Your Honor.

3 THE COURT: Ms. Ross, then as to Counts Eight, Nine,  
4 Ten, and 13 through 21 of the indictment, how do you plead;  
5 guilty or not guilty?

6 DEFENDANT ROSS: Not guilty.

7 THE COURT: I'll note a not guilty plea for the  
8 record for Ms. Ross as well.

9 Thank you. You may be seated.

10 All right. This case is going to be set in front of  
11 Chief Judge Urbanski, and counsel will need to be in touch  
12 with his chambers to schedule a trial date in this matter.

13 Now, we also need to take up, I think, the final  
14 issue of the Bail Reform Act and whether these defendants  
15 will be released or detained in the case.

16 You all have the right to be considered for release.  
17 In some instances, there's a presumption that you would be  
18 detained.

19 Let me ask the government's position on detention.  
20 Ms. Carlton?

21 MS. CARLTON: We are requesting a hold for each  
22 defendant, Your Honor, both as a danger to the community and  
23 as flight risks. And we'll note that we have still not  
24 arrested everyone charged in the indictment because some are  
25 fugitives at this point.

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1           THE COURT: All right. For Ms. Ross and Ms. Fuller,  
2 can you tell me a little bit more about why, why there's a  
3 serious risk of flight? The charges against them are not  
4 ones that would ordinarily require a detention hearing.  
5 Typically, these people would be released on conditions.

6           MS. CARLTON: Both individuals were actively  
7 involved in the murder of Christopher Motley and the  
8 attempted murder of Justion Wilson, as the indictment charges  
9 them with. They are dangerous to their community and were  
10 involved, closely associated, with the gang members in this  
11 case.

12           A couple of the defendants in this case have already  
13 fled, including one out of the jurisdiction, and we are  
14 tracking them. We believe that these individuals would not  
15 only assist that flight but may accompany some of these  
16 individuals on that flight, if they could do so. They have  
17 little to no ties to the community. I understand that  
18 they're from Danville, but --

19           THE COURT: The report, yeah, it indicates they're  
20 life-long residents of Danville.

21           MS. CARLTON: Well, neither one has permanent jobs.  
22 They have no real --

23           MR. DIVINEY: That's not true. In the pretrial  
24 services report, it says that my client is employed  
25 full-time.

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1 THE COURT: I'll certainly give you a chance.

2 I mean, just procedurally, I need to make sure that  
3 there is some reason to hold a detention hearing.

4 For Mr. Trent and Mr. Chandler, they're facing  
5 charges that require a detention hearing and there's a  
6 presumption that they would be detained.

7 For Ms. Fuller and Ms. Ross, I don't believe that  
8 the charges would require a detention hearing. So, really,  
9 there would need to be some other reason to hold one; and if  
10 they present a serious risk of flight, that could be a  
11 reason. But I think that's something that -- if that's what  
12 you're invoking, then we can hear further from defense  
13 counsel on that.

14 MS. CARLTON: And there's also a serious risk that  
15 such person will obstruct or attempt to obstruct justice.  
16 Probable cause has already been found, in fact, by a Grand  
17 Jury that they are involved in one form of obstruction of  
18 justice; for Ms. Fuller, as an accessory after the fact. And  
19 Ms. Ross herself, who has now been -- a Grand Jury has found  
20 probable cause that she has obstructed this very  
21 investigation, as well as lied in the Grand Jury.

22 Having lied to the Grand Jury, as they have found by  
23 probable cause, you know, we have little trust that she would  
24 provide truthful information to a probation officer or to  
25 this Court, having not proven herself to be accurate in the

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1 past.

2 So we would move also that they're serious risks of  
3 obstruction of justice, Your Honor.

4 THE COURT: All right. Okay. Thank you,  
5 Ms. Carlton.

6 Mr. Kowalczyk, is Mr. Trent in custody?

7 MR. KOWOLCZUK: He's in custody, Your Honor. He has  
8 a pending murder charge in Danville Circuit Court, being held  
9 without bond, so we are not challenging his detention.

10 THE COURT: Okay. All right. Mr. Dorsey, how about  
11 for Mr. Chandler?

12 MR. DORSEY: Your Honor, given the seriousness of  
13 the charges, we certainly understand the USA's position.  
14 We're not challenging detention at this point. However, we  
15 reserve the right to have a more formal and detailed bond  
16 hearing in the future scheduled with the Court.

17 THE COURT: All right. So, Mr. Chandler, what I'm  
18 going to do is enter a detention order, but I'm going to note  
19 in it that you didn't seek release today. And at any time,  
20 you and Mr. Dorsey can come back to the Court and present  
21 your argument for release.

22 DEFENDANT CHANDLER: All right.

23 MR. DORSEY: Thank you, Your Honor.

24 THE COURT: All right. Mr. Diviney, what do you  
25 have to say on Ms. Fuller's behalf?

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1 MR. DIVINEY: Judge, I don't know anything more  
2 about this case than, you know, what is in the indictment  
3 that I've gone over this afternoon. And I don't know  
4 anything more about my client than what's in the pretrial  
5 services report.

6 She's wearing an IKEA shirt; that's where she works.  
7 She was picked up at 7 o'clock this morning.

8 The report states very clearly that she has lived in  
9 Danville her whole life. I don't know what stronger ties to  
10 the community someone could possibly have than never having  
11 lived elsewhere.

12 And she is not charged with obstruction of justice.  
13 I haven't heard any evidence, I'm not aware of any, that she  
14 obstructed justice in any single way. She's charged with one  
15 count of having been accessory after the fact. And so, at  
16 worst, she may have been involved after the fact in the  
17 murder that's been alleged in that indictment.

18 Judge, no criminal history.

19 THE COURT: The nature of what's alleged is that she  
20 was involved in hindering, preventing the apprehension,  
21 trial, and punishment; which it's not an obstruction of  
22 justice charge, but it sounds like there would be some  
23 similar characteristics.

24 MR. DIVINEY: I understand, Your Honor. And, again,  
25 I'm at something of a disadvantage in that regard.

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1 THE COURT: And I understand that. And,  
2 Mr. Diviney, if there's a basis for -- to hold a detention  
3 hearing, you know, either you or the government would be  
4 entitled to continue the detention hearing for a few days so  
5 that either one of you could prepare for that, if that's what  
6 you want. Or the government may be asking for that, too. I  
7 don't know. Or you can move for it today.

8 MR. DIVINEY: Yeah, you know, I would like to go  
9 forward today. I think there's every reason in the world to  
10 release her this afternoon. I don't see any reason not to,  
11 so...

12 THE COURT: All right. And Mr. Grimes?

13 MR. GRIMES: Your Honor, I am really troubled by two  
14 representations just made by the United States.

15 Number one, that my client is not a long-term  
16 resident of Pittsylvania County and Danville, when the report  
17 prepared by the probation office says exactly the opposite.

18 She's 22 years old, born in Danville in 1995. She  
19 lived there all her life, has two children there, has an  
20 address for her. She lives with two children ages four and  
21 one.

22 So I'm troubled by the fact that the United States  
23 would make that representation to the Court. That's serious.

24 THE COURT: Well, I think Ms. Carlton walked that  
25 back by saying that -- further explaining herself on that.



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1 MR. GRIMES: It shouldn't have had to have been  
2 walked back.

3 Item two, she's not employed, when the report says  
4 she works for Commonwealth Senior Living. She tells me she  
5 has two jobs. She works for Commonwealth Senior Living, and  
6 then she sits with a resident in the community as well and  
7 provides in-home care, if you will.

8 And no criminal history whatsoever. And the  
9 allegations are what they are, which is, to a large extent,  
10 lying to a Grand Jury, with charges that are parsed every  
11 which way from Sunday.

12 So we do want to go forward with a detention  
13 hearing.

14 THE COURT: All right. Are y'all ready to go  
15 forward?

16 MS. CARLTON: We would move for our three days, Your  
17 Honor. All of our agents are at the scene actively trying to  
18 capture the remaining fugitives. And we would need  
19 appropriate time to provide Jencks for that witness as well.

20 THE COURT: All right. All right. Well, based on  
21 the nature of the charges against -- or the charge against  
22 Ms. Fuller and the charges against Ms. Ross, it does at least  
23 raise some concern about possible obstruction of justice that  
24 I think would -- would require a detention hearing to  
25 determine whether there are conditions under which they could

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1 be released. In that instance, either party is entitled to  
2 request a continuance; the government three days, the  
3 defendant five days. And I think that's a right that either  
4 one of you all would have.

5 So if the government is invoking that three days,  
6 then I think we have to set a detention hearing.

7 Now, Ms. Carlton, would you be ready to go forward  
8 tomorrow on that?

9 MS. CARLTON: No, Your Honor. We've been going  
10 since 3 a.m. We would need time to pull together the Jencks,  
11 find that agent, prepare that agent for the hearing. They  
12 are still very -- about five minutes before we walked in,  
13 they were still very active out at the scene.

14 THE COURT: Well, three days, three business days,  
15 would put this on next Tuesday. Are you all available in the  
16 afternoon?

17 MR. GRIMES: Your Honor, it really doesn't matter.  
18 I will make myself available. Three days would be Father's  
19 Day. It could be on Father's Day, if you like; or if not,  
20 Tuesday is fine.

21 THE COURT: Mr. Diviney?

22 MR. DIVINEY: The morning would be better for me,  
23 but I can figure out how to be here in the afternoon.

24 THE COURT: I'm in Harrisonburg in the morning with  
25 the Court schedule, so I think it will have to be afternoon.

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1 Ms. Carlton, are y'all available?

2 MS. CARLTON: Yes, Your Honor.

3 THE COURT: Okay. All right. Can we set these  
4 together? Does that make sense, Counsel, to do them  
5 together? They will be separate inquiries, of course, but  
6 there may be similar evidence.

7 MR. GRIMES: Yes, sir.

8 MS. CARLTON: For the accessory after the fact,  
9 there would be, Your Honor, proving up that obstruction, to  
10 an extent. Yes. The answer is yes.

11 THE COURT: So why don't we set both of the bond  
12 hearings, then, for Tuesday, June 19th, at 2:30 here in  
13 Roanoke.

14 All right. Is there anything else that we need to  
15 take up in the case today, Ms. Carlton?

16 MS. CARLTON: One thing, Your Honor. We have over,  
17 conservatively, 180 gigabytes of discovery almost prepared to  
18 turn over to defense counsel. We would like to do that on a  
19 rolling basis. Because of the extent of the discovery, we  
20 have gone ahead and handed out joint discovery orders. And  
21 the sooner we can get them, the sooner we can move forward on  
22 the discovery. We would need hard drives from the defense  
23 counsel for it, considering the size of the files.

24 THE COURT: Mr. Kowalczyk, anything else we need to  
25 take up today?

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1 MR. KOWOLCZUK: No, sir, Your Honor. I've already  
2 signed the joint discovery order.

3 MR. DORSEY: The same, Your Honor. We've signed the  
4 joint discovery.

5 THE COURT: Mr. Diviney?

6 MR. DIVINEY: Nothing to take up, Your Honor.

7 THE COURT: Mr. Grimes, anything else?

8 MR. GRIMES: No, Your Honor. Thank you.

9 THE COURT: Thank you.

10 Ms. Carlton, you can get those to me whenever they  
11 are ready.

12 I'd ask the marshal to declare court in recess.

13 THE MARSHAL: All rise.

14 (Proceedings adjourned, 2:32 p.m.)

15 CERTIFICATE

16 I, JoRita B. Meyer, certify that the foregoing is a  
17 correct transcript from the record of proceedings in  
18 the above-entitled matter.

19 /s/ JoRita B. Meyer

Date: 7/18/2018